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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2616

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,325

Applicant(s)

WILKINS ET AL.

Examiner

HUY T NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/12/01, 4/29/02</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2,4-8 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokomizo et al (6,522,418).

Regarding claim 10, Yokomizo discloses a system (Figs.1, 5-7, column 5 lines 20 to column 6, line 22) for processing a stored videostream, comprising:

a first means for determining if the stored video is a digital videostream (column 5, lines 20-30, column 9 lines 15-20);

a second means coupled to the first means for creating a low resolution videostream based upon the stored digital videostream;

a third means coupled to the second means for storing the low resolution digital videostream at a digital storage medium column 5, lines 30-68, column 18, lines 45-60);

a fourth means coupled to the third means for editing the stored low resolution digital videostream (column 5, lines 30-68) ;

a fifth means coupled to the fourth means for creating a resultant image and an associated edit list based upon the editing (column 6 line 1- 15);

a sixth means coupled to the fifth means for accessing the edit list by a video processor (column 6 lines 2-15);

a seventh means coupled to the sixth means for rendering a high resolution videostream by the video processor based upon the edit list (editorial work information (column 6, lines 9-15, column 14 lines 57-65)); and

an eighth means coupled to the seventh means for storing the rendered high resolution videostream on a selected digital storage medium (printing paper or CD, column 6, lines 15-27, column 22, lines 40-49).

Regarding claim 1, Yokomizo teaches a method of processing a stored videostream (column 5, lines 20 to column 6, line 30), comprising:

- (a) determining if the stored videostream is a digital videostream;
- (b) creating a low resolution videostream based upon the stored digital
5 videostream;
- (c) storing the low resolution digital videostream at a digital storage medium;
- (d) editing the stored low resolution digital videostream;
- (e) creating a resultant image and an associated edit list based upon the editing;
- (f) accessing the edit list by a video processor;

(g) rendering a high resolution videostream by the video processor based upon the edit list; and

(h) storing the rendered high resolution videostream on a selected digital storage medium.

Regarding claim 2, Yokomizo further teaches that if it is determined that the stored digital videostream is an analog videostream, (i) converting the stored analog videostream to the digital videostream (column 5, lines 24-27, column 7, lines 17-20).

Regarding claim 4, Yokomizo further teaches the operations (a) - (c) and (i) are performed at a first node (in shop).

Regarding claim 5, Yokomizo further teaches the low resolution videostream is transferred from the first node to a second node (user computer, column 5, line 62 to column 6, line 2) coupled thereto.

Regarding claim 6, Yokomizo further teaches the operations (d) and (e) are performed at the second node (user computer).

Regarding claim 7. A method as recited in claim 5, further comprising:
(j) transferring the edit list to the first node (column 6, line 3-8) .

Regarding claim 8, Yokomizo further teaches that the operations (f) - (h) are performed at the first node (in shop, column 6 lines 10-15).

Regarding claim 11, Yokomizo further teaches the first, second and third means are directly connected to a first node (in shops)(Fig. 5-6, column 5 lines 20-55) .

Art Unit: 2616

Regarding claim 12, Yokomizo further teaches means for transferring the low resolution videostream from the first node to a second node (user computer, column 5, line 64 to column 6, line 2) coupled thereto.

Regarding claim 13, Yokomizo further teaches the fourth and fifth means are connected to the second node (column 6, lines 2-15).

Regarding claim 14 Yokomizo further comprising a means for transferring the edit list from the second node to the first node (column 6, lines 2-15).

Regarding claim 15, Yokomizo further teaches the sixth, seventh, and eighth means are connected to the first node (column 6, lines 2-15) .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2616

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 3, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al in view of Ueda (6,714,314).

Regarding claims 3, 9 and 16, Yokomizo fails to specifically teaches that the digital medium and selected digital medium is a DVD . However, it is noted that using a DVD for storing the video stream is known in the art as taught by Ueda (column 12, lines 21-50). Therefore, it would have been obvious to one of order skill in the art to modify Yokomizo with Ueda by using a DVD as an alternative to the digital medium or selected digital medium of Yokomizo for storing the low and high resolution .

5. Claims 1-4,8-11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linzer et al (6,005,621) in view of Ando et al (6,353,702).

Regarding claim 10, Linzer discloses a system (Fig. 6, column 3, line 53 to column 4, line 3, column 9, lines 14-47) for processing a stored videostream, comprising:

a first means for generating a digital videostream;

a second means (68) coupled to the first means for creating a low resolution videostream (low bit rate ,low quality video stream information , column 3, lines 45-60, column 8, lines 1-18, lines 50-52) based upon the stored digital videostream;

a third means (66') coupled to the second means for storing the low resolution digital videostream at a digital storage medium (column 8, lines 55-68);

a fourth means (72) coupled to the third means for editing the stored low resolution digital videostream (column 3, lines 60 to column 4 line 2, column 8, line 60 to column 9 line 27);

a fifth means coupled to the fourth means for creating a resultant image and an associated edit list based upon the editing (column 3, lines 60 to column 4 line 2, column 8, line 60 to column 9 line 27);

a sixth means coupled to the fifth means for accessing the edit list by a video processor (column 3, lines 60 to column 4 line 2, column 8, line 60 to column 9 line 27);

a seventh means coupled to the sixth means for rendering a high resolution videostream (high bit rate, high quality video stream) by the video processor based upon the edit list (column 9, lines 20-25); and

an eighth means coupled to the seventh means for storing the rendered high resolution videostream on a selected digital storage medium (column 9, lines 25-27).

Regarding claim 1, Linzer teaches a method (column 3, lines 60 to column 4 line 2, column 8, line 60 to column 9 line 27) of processing a stored videostream, comprising:

- (a) generating digital videostream;
- (b) creating a low resolution videostream based upon the stored digital videostream (low bit rate, low quality video stream information, column 3, lines 45-60, column 8, lines 1-18, lines 50-52);

(c) storing the low resolution digital videostream at a digital storage medium (column 8, line 60 to column 9 line 27);

(d) editing the stored low resolution digital videostream (column 8, line 60 to column 9 line 27);

(e) creating a resultant image and an associated edit list based upon the editing (column 3, lines 60 to column 4 line 2, column 8, line 60 to column 9 line 27);

(f) accessing the edit list by a video processor;

(g) rendering a high resolution videostream by the video processor based upon the edit list (column 3, lines 60 to column 4 line 2, column 8, line 60 to column 9 line 27); and

(h) storing the rendered high resolution videostream on a selected digital storage medium (column 3, lines 60 to column 4 line 2, column 8, line 60 to column 9 line 27).

Linzer fails to teach means for determining whether the stored is a digital video stream as recited in claims 1 and 10. However, it is noted that using a determining means for determining if a stored video stream is a digital video stream is well known in the art as taught by Ando. Ando at figure 19, column 23, lines 28-62). Therefore, it would have been obvious to one of ordinary skill in the art to modify Linzer with Ando by using a determining means as taught by Ando with the system of Linzer for determining if the stored video stream is a digital video stream in order to accurately and properly process the video stream.

Regarding claim 2, Linzer as modified with Ando further teaches that

Art Unit: 2616

if it is determined that the stored digital videostream is an analog videostream, (i) converting the stored analog videostream to the digital videostream (See Ando column 23, lines 30-40).

Regarding claims 3, Linzer as modified with Ando further teaches that the digital storage medium is selected from a group comprising: a DVD, a digital video tape, a flash memory device, a hard drive (See Ando figure 19, column 24, lines 10-15).

Regarding claim 4, Linzer further teaches that the operations (a) - (c) and (i) are performed at a first node (Fig. 6)

Regarding claim 8, Linzer further teaches that the operations (f) - (h) are performed at the first node (Fig. 6)

Regarding claim 9, Linzer as modified with Ando further teaches that the selected digital storage medium is selected from a group comprising: a DVD, a digital video tape, a flash memory device, a hard drive (See Ando, figure19, column 24, lines 10-15) .

Regarding claim 11, Linzer further teaches the first, second and third means are directly connected to a first node (Fig. 6).

Regarding claim 15, Linzer further teaches the sixth, seventh, and eighth means are connected to the first node (Fig. 6).

Regarding claim 16, Linzer further teaches the digital storage medium is selected from a group comprising: a DVD, a digital video tape, a flash memory device, hard drive (Se Ando figure19, column 24, lines 10-15).

Art Unit: 2616

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kumada teaches a system using a edit list to perform editing on low resolution and high resolution video streams.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY T. NGUYEN
PRIMARY EXAMINER